



Appeal Decision

Site visit made on 14 February 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/L2630/W/20/3257142

Land at Low Road, Low Road, Forncett St Mary, Norfolk NR16 1JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Geraldine Creaven against the decision of South Norfolk District Council.
 - The application Ref 2020/0703, dated 9 April 2020, was refused by notice dated 3 June 2020.
 - The development proposed is the erection of single-family dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision a revised version of the National Planning Policy Framework (the 'Framework') has been published. The parties had an opportunity to address this change and I have taken any comments received into account.

Main Issues

3. The main issues in this appeal are: 1) Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy in the development plan; and 2) The accessibility of services and facilities.

Reasons

Spatial strategy

4. Policy DM 1.3 of the DMP¹ sets out a planned strategy for development in the district. It flows from the policies of the Joint Core Strategy (JCS)² and seeks to guide new development to sites within defined settlement boundaries to protect the countryside and promote sustainable patterns of development.
5. The nearest discernible settlements to the appeal site are the villages of Forncett St Mary and Forncett St Peter. These villages are broadly contiguous and are arranged around two churches, a school, and a village hall. Forncett St Mary tapers off to the north into open countryside, albeit with some sporadic development along Low Road.

¹ South Norfolk Local Plan Development Management Policies Document 2015

² Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011, amendments adopted January 2014

6. The appeal site is located some way to the north of these settlements, is immediately surrounded by fields that were probably once common land and overlooks a verdant river valley. There is open countryside between the appeal site and Forncett St Mary and Forncett St Peter in the form of arable fields, hedges, and small pockets of woodland. As a result, and despite the presence of nearby sporadic development, the appeal site is away from a discernible settlement and is therefore isolated within the meaning of the Framework. As such, the appeal site is justifiably outside a defined settlement boundary and designated as countryside in the development plan.
7. Policy DM1.3 of the DMP states that development outside defined settlement boundaries will only be granted where specific development management policies allow for it, or there are overriding benefits in terms of the economic, social, and environmental dimensions of the proposal. In this context, I have seen nothing of substance to suggest the proposal would adhere to a specific development management policy that would otherwise permit housing in the countryside. As such, the proposal fails this limb of Policy DM1.3.
8. As will become evident, I have applied the 'tilted balance' in Paragraph 11d) of the Framework. In so doing I have concluded that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. It therefore follows that the proposal would not have overriding benefits for the purposes of Policy DM1.3 either.
9. Thus, in conclusion, the proposal would amount to a new dwelling in the countryside which is not supported by a specific development management policy and would not have overriding benefits. As such, the appeal scheme would be contrary to Policy DM1.3 of the DMP and thus harmfully undermine the planned strategy for housing therein. It therefore follows that the appeal site would not be a suitable location for the appeal scheme with reference to the spatial strategy in the development plan.

The accessibility of services and facilities

10. The settlements of Forncett St Mary and Forncett St Peter contain a handful of facilities including a school and village hall. It would be possible to walk to these facilities on occasion along Low Road, which is generally an attractive rural lane. However, the distance means it is unlikely to be a regular occurrence. Moreover, this is unlikely to prove an attractive option at night-time or to those with mobility difficulties or young children. In any event, it would be necessary to travel to the larger settlement of Long Stratton to access most everyday services and facilities. The distance places this small town beyond a comfortable regular walk, especially when considering a round trip. As a result, walking would not be a convenient regular travel solution when compared to private motorised transport.
11. The bus stops nearest to the appeal site are more than 800m away. The Council suggests 800m is the recognised acceptable walking distance and the appellant seems to agree, indicating that the walking route is rather far and in one case unsafe. Instead, the appellant suggests it would be possible to cycle to the bus stops and is offering to make a financial contribution towards the provision of bike stands there. This is an initiative discussed at a recent Green Transport Recovery Webinar referred to by the appellant.

12. However, an engrossed planning obligation securing this payment is not before me. I is also unclear whether the owners of the bus stops would be obliged to spend the money in the way envisaged. As a result, there is no robust mechanism to secure this infrastructure. In its absence, it would seem unlikely that future residents would cycle to use a bus stop and have the inconvenience of then having to take their bike with them on the bus.
13. Notwithstanding this, combining cycle and bus travel at this location would also be a convoluted means of travel that would require admirable determination and planning. It would not be as attractive and convenient as travel by private motorised transport. Moreover, given the remoteness of the site, it would be unwise to rely on cycling to provide an alternative to private motorised transport because future occupants may not have the high levels of confidence, fitness, and proficiency required to regularly travel by this mode. For these reasons, providing secure cycle parking at nearby bus stops, or on site, is unlikely to be determinative in promoting this method of transport.
14. The Framework identifies ultra-low and zero emission vehicles as a mode of sustainable transport. In this regard it would be possible to install electric vehicle charging points as part of the development. However, there would be no requirement on future occupants to use electric vehicles. Even if they did, they would still be car dependent given the site's location. Such an outcome would frustrate attempts to capture the health benefits and travel choice that can be gleaned from siting residential development where regular, safe, and convenient walking and cycling is possible. Managing growth in this way optimises opportunities to promote walking, cycling and public transport as set out in Paragraph 104 (c) of the Framework.
15. Thus, the appeal site is in a location remote from everyday services and facilities. The consequence of this is that future occupants would be over reliant on private motorised transport. Individual car journeys would soon cumulatively add up over the life of the development with the associated carbon emissions. Moreover, future occupants would not glean the health and social benefits from regularly accessing services and facilities by more sustainable means of transport such as walking. As a result, the appeal site is poorly located away from services and facilities.
16. As a material consideration, the appellant has pointed to Paragraph 105 of the Framework, which states that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, I read this as an indication that an element of car travel may be necessary in rural areas because sustainable transport options are unlikely to be as comprehensive as in urban areas, and therefore cannot be maximised. This policy is not a promotion of car dependency, which would be the practical effect for the future residents of the appeal scheme.
17. The proposal would incorporate a home studio and full fibre broadband so working from home would be an option to those that are able. The appellant's partner intends to relocate his practice to the site. However, commuting for work is only one form of travel. The future occupants of the appeal scheme would be predisposed to travel by car for education, leisure, shopping, and healthcare. As a result, the home studio would not mitigate for the remoteness of the location and the poor accessibility flowing from this.

18. Forncett St Mary and Forncett St Peter have a defined settlement boundary around them where infilling is supported. As a result, this settlement would not be fossilised or stuck in a 'sustainability trap' if development away from the village that is poorly located to services and facilities, such as the appeal scheme, is resisted. In fact, draft Policy 7.5 of the emerging Greater Norwich Local Plan indicates that development adjacent to villages could be supported in the future. This would provide some further opportunities for Forncett St Mary and Forncett St Peter to grow and thrive without isolated housing.
19. Norfolk County Council have, and are, investing in the local road network, including the Hempnall roundabout. However, this appears to be strategic in nature and aimed at addressing congestion. There is nothing of substance before me to suggest it is part of a strategy to promote car travel from sites poorly located to services and facilities.
20. The appellant has referred to an appeal decision³, but in that instance the site was adjacent to a settlement boundary and was within a short walk of all the village's facilities. As a result, the circumstances are not like the proposal before me. The appeal site is closer to Long Stratton than some properties in Forncett, but those properties are in a village and closer to the facilities available therein. Similarly, the Cooper's Scrap yard allocation is on the edge of the settlement of Aslacton. Thus, these points do not weigh determinatively in favour of the proposal, which is away from a settlement and remote from services and facilities.
21. In conclusion, the appeal site would not be well related to services and facilities even when accounting for its rural situation. Therefore, the proposal would be contrary to Policies 1 and 6 of the JCS and Policy DM3.10(1) of the DMP, which seek to secure development that supports sustainable transport, minimises the need to travel and gives priority to low impact modes of travel such as walking and public transport.

Other Considerations

22. The appellant submits that the appeal scheme would be a design of exceptional quality and would therefore meet the relevant exception in Paragraph 80 of the Framework. The most recent version of the Framework has removed reference to innovation as a means of qualifying for this exception. Instead, the proposal needs to satisfy four tests. These being that the architecture is of the highest standard, would help raise design standards more generally in rural areas, would significantly enhance the immediate setting and be sensitive to the defining characteristic of the area.
23. No party has convincingly defined what the highest standards of architecture are or listed any criteria that could be used to guide such an assessment. The appellant has approached a few architects for their views, and these have been positive, but there has been no independent design review/panel that has otherwise confirmed the outstanding nature of the proposal. The absence of an independent, transparent and specialist analysis is a notable omission given the policy set out in Paragraph 133 of the Framework.
24. Nevertheless, from the information before me I share the view of the Council and residents that there are some weaknesses in the design. The bold silo

³ APP/H1840/W/17/3180996

feature and use of applied solar panels would result in an inelegant design. A point that would be compounded by the bulky and awkward wrap around greenhouse/entrance hall or the cluttering of the elevations with louvres, differing window styles and projections. Less could have been more in this instance. Overall, the house would appear disjointed.

25. Architecture need not be bold or outlandish to be of a high standard. In this regard the proposal has not been designed to be especially striking because the proposal attempts to sit comfortably in a rural context and would therefore have a functional rustic quality. There are also other positive aspects of the proposal, such as the way it would be broken up into elements and arranged around the archaeological remains of the previous structure. It is also clear that the design has been carefully considered and would not be over large for its context. Nevertheless, for the reasons given, the proposal overall would not appear as architecture of the highest quality.
26. An assessment of architectural quality can go beyond the appearance of the building and include other matters such as the design process and construction method. In respect of the former, the design process has not been exemplar as there has apparently been little engagement with the local community. That said, the design would incorporate a high-quality response to biodiversity by integrating wildlife habitats within the building's fabric and the garden. This feature of the proposal would raise design standards if replicated. That said, the benefits to wildlife are predicated on the garden being managed in a specific way, which would be hard to secure and enforce.
27. The design would also incorporate straw bale construction, high environmental performance, and green roofs. This is nothing new or outstanding, but together these features would create an interesting and affordable synthesis. Accordingly, the method of construction and approach to nature could provide inspiration to others. Consequently, the sustainable and wildlife friendly construction techniques would raise the standards of rural design more generally. However, this alone would not result in an outstanding scheme.
28. The combination of flat and pitched roofs and the bold 'silo' would not be sensitive to the defining characteristics of domestic architecture in the area. The silo would be overtly agricultural in character whereas the scheme overall would not. As a result, the silo would appear somewhat incongruous. That said, the use of lime render and the straw bale construction, which could be considered a vernacular construction technique having been borne out of the rural landscape, would respond to the broad characteristics of the locality, as would the pitched roof and wedged dormer. The green roofs and nature friendly design would also be inspired by the rural context. On balance, I find that there are aspects of the proposal that are sensitive to the rural characteristics of the area.
29. The proposed landscaping scheme would mainly involve management of the garden to notably enhance biodiversity. Although beneficial, this would not significantly enhance the area as the site already has a pleasant rural charm and is a habitat for wildlife. The evidence before me does not quantify the potential uplift in biodiversity and therefore demonstrate it would be of an extent that would significantly enhance the immediate setting.
30. Alternatively, the building would not have a sculptural quality or provide a focal point as part of a planned vista in the landscape. Nor would its restrained

appearance enliven a rural scene by stoking curiosity or providing interest and delight. The responses from locals suggest it would do the opposite. The building would also modestly erode the pleasant natural character of the site, which is not neglected or untidy, being apparently used as a type of leisure plot by the appellant to enjoy nature. As a result, there is no aspect of the proposal that would significantly enhance the immediate setting.

31. To summarise, elements of the design would raise standards and respond to local characteristics. However, the architecture would not be outstanding, and the proposal would not significantly enhance the immediate setting. As a result, the proposal would not be of exceptional quality.
32. The clay pit and the remnants of three former cottages (and a preceding earlier dwelling) are heritage assets, albeit of low evidential and historic value given the limited surviving fabric and local significance. Accordingly, any enabling benefits that would secure the future of these assets would not outweigh the conflict with the development plan. As part of the proposal the claypit would become more discernible through the clearance of vegetation and management as a 'micro nature reserve'. However, there is no need to construct a dwelling to achieve this as the site is already managed by the appellant. The remnants of the old cottage would be incorporated into a wildlife pond, but this would not better reveal the significance of this feature. The ruins could be recorded and left *in situ* as a means of retaining their value. As a result, the proposal would not represent the optimal viable use of the heritage assets.

Other Matters

33. The report prepared by the Council's case officer seems to imply that the proposal would have a detrimental impact on the character and appearance of the area. However, this does not feature as a reason for refusal. As the appeal has failed for other reasons, I have not considered this point further. Similarly, I have not addressed all the concerns of interested parties here because the proposal has failed on the main issues. As the appeal has been dismissed, there would be no effect on the setting of nearby listed buildings and therefore this point does not require further discussion.
34. Reference has been made to the possible use of the site for Gypsy and Traveller accommodation. Such a use would require planning permission and there is nothing to suggest an application has been made or granted in this respect. As a result, it is not a fallback position to factor into my assessment.

Planning Balance

35. The Framework does not prohibit the use of settlement boundaries and Policy DM1.3 advocates an approach that seeks to balance the need for rural housing whilst recognising the intrinsic character and beauty of the countryside and the promotion of sustainable transport. The broad thrust of directing rural housing to settlements is consistent with Paragraph 79 of the Framework, which advocates the approach with an emphasis on siting homes at villages. Thus, Policy DM1.3 is broadly consistent with the Framework and not out of date.
36. The appellant suggests that the Council are currently unable to demonstrate a five-year housing land supply. They have provided a technical assessment that suggests it is 4.73yrs when adjusted to take account of several factors including a decline in windfalls. The Council maintains that it has a five-year

supply but has not rebutted these points. In the circumstances there is ambiguity over the five-year housing land supply position and therefore I have taken a precautionary approach and adopted the appellant's stance. In such circumstances, Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.

37. A rigorous application of Policy DM1.3 would frustrate attempts to address the Council's current housing supply deficit. Hence, the conflict with the spatial strategy does not carry full weight. However, as the policy is broadly consistent with the Framework, the conflict still carries moderate weight.
38. The foregoing is of note because the appeal scheme would not glean direct support from Paragraphs 79 of the Framework, which seeks to deliver rural housing where it would enhance or maintain rural communities by providing opportunities for villages/settlements to grow and thrive and support one another. This is because in this instance, the appeal site, although near other buildings, is not physically part of a discernible village, hamlet, or clusters of dwellings. In fact, the proposed dwellings would be isolated within the meaning of Paragraph 80 without meeting any of the circumstances listed as potentially justifying isolated homes. Thus, in the context of this appeal, the development plan is not preventing housing that would otherwise be permitted by the rural housing policies of the Framework.
39. In addition, the conflict with Policies 1 and 6 of the JCS and Policy DM3.10(1) of the DMP also carries moderate weight because these policies are consistent with the Framework's aim to promote sustainable transport. But the harm arising from a single remote dwelling is unlikely to be of a high order.
40. Weighed against the adverse impacts is the spend from future residents, which may modestly support businesses and services in the area. However, the practical effect of this has not been demonstrated. For example, evidence has not been provided to suggest local services and facilities are suffering for lack of patronage. The support to the construction industry would be modest in scale and short lived. The economic benefits would therefore be limited.
41. Similarly, there may be some social benefits to the vitality of the nearest rural communities from future occupants adding to community capital. However, the evidence before me does not demonstrate there is a pressing need for this.
42. The proposal would include elements of inspirational architecture, such as straw bale construction and integrated bird boxes and bat roosts, but the evidence before me does not demonstrate it would be outstanding or innovative. Aspects of the proposal would respond to local characteristics, but it would be a stretch to suggest the building would fit in. As a result, the design does not gain significant weight pursuant to Paragraph 134 of the Framework.
43. The proposal would be a windfall home that could be constructed quickly. This would assist the Council to remedy the housing deficit, significantly boost housing supply and recover from the pandemic. The benefit would nevertheless be limited given the small scale of the proposal and the modest housing supply deficit.

44. The proposal would have a relatively high environmental performance. However, it has not been demonstrated this would do more than partially mitigate the environmental impacts of constructing the dwelling. The proposal is promoted as a 'self-build' development but in the absence of a robust mechanism to secure this, it is a benefit of limited weight. There is no dispute that the proposal would involve measures that could provide notable gains to biodiversity. However, the longevity of many of the measures is unclear given that most of the enhancements⁴ would be confined to the proposed garden. As a result, they would be at the whim of future occupants in the absence of a robust mechanism to the contrary.
45. The previous building on the site has long since been removed and its remains have blended back into the landscape. There are a couple of small sheds on the site, but it is unclear whether this would render the entire appeal site as previously developed land. Even if it were, the reuse of previously developed land would be a matter of limited weight in this instance because the proposal would not, for the reason set out, be a suitable use or within a settlement.
46. Thus, the adverse impacts of the proposal would significantly and demonstrably outweigh its overall benefits. This does not indicate that the appeal should be determined otherwise than in accordance with the development plan.

Conclusion

47. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR

⁴ As shown on drawing 426/2315